ILO/EC Project “Monitoring and Assessing Progress on Decent Work” (MAP)

Monitoring and assessing progress towards decent work is a longstanding concern for the ILO and its constituents. Implemented by the ILO with funding from the European Union, the project “Monitoring and Assessing Progress on Decent Work” (MAP) helps to address this need. Over a period of four years (2009 to 2013), the project works with Ministries of Labour, National Statistical Offices, other government agencies, workers’ and employers’ organizations and research institutions to strengthen the capacity of developing and transition countries to self-monitor and self-assess progress towards decent work. The project facilitates the identification of Decent Work Indicators in line with national priorities; supports data collection; and assists in the analysis of data on decent work in order to make them relevant for policy-makers. The MAP publication series disseminates project outputs to a broad audience in the nine countries covered by the project and beyond.

For more information on the ILO/EC Project “Monitoring and Assessing Progress on Decent Work” (MAP) see http://www.ilo.org/map

Tripartite Validation Workshop of Cambodia Decent Work Country Profile

Workshop Report
Phnom Penh Hotel, 1–2 March 2012

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ILO COUNTRY OFFICE FOR THAILAND, CAMBODIA AND THE LAO PEOPLE’S DEMOCRATIC REPUBLIC (CO-BANGKOK)
ILO/EC PROJECT “MONITORING AND ASSESSING PROGRESS ON DECENT WORK” (MAP)

Workshop Report

Tripartite Validation Workshop of
Cambodia Decent Work Country Profile

1-2 March 2012
Phnom Penh Hotel, Cambodia

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“Monitoring and Assessing Progress on Decent Work” (MAP)

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Foreword

The Tripartite Validation Workshop of Cambodia Decent Work Profile took place in Phnom Penh, Cambodia from 1 to 2 March 2011 and was co-organized by the Ministry of Labour and Vocational Training (MOLVT) and the ILO. The meeting was a follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008), which recommends the establishment of appropriate indicators or statistics, if necessary with assistance from the ILO, to monitor the progress made in the implementation of the ILO Decent Work Agenda.

In the past, countries have called for the ILO to support their efforts to monitor and assess progress towards decent work. In response, the ILO, with funding from the European Union, is implementing the technical cooperation project “Monitoring and Assessing Progress on Decent Work” (MAP). The project works with Government agencies, workers’ and employers’ organizations and research institutions to strengthen the national capacity to self-monitor and self-assess progress towards decent work. Based on consultations with the Cambodia tripartite constituents and various stakeholders in September 2009, Cambodia was selected as one of the pilot countries to participate in the global MAP project.

The two-day tripartite validation workshop was the second tripartite workshop organized under the MAP project in Cambodia, following the tripartite training and consultation workshop held in May 2011 for the identification of decent work indicators. The workshop involved 47 participants, including officials and representatives from government ministries and provincial departments of labour, from the National Institute of Statistics, from the Cambodian Federation of Employers and Business Associations (CAMFEBA), from various trade unions (CTU, CCTU, BWTUC...), and from other related agencies.

The highly participatory workshop included technical discussions on analysis of Decent Work Indicators and the main results of the national assessment (Profile), as well as discussions on how to mainstream and monitor decent work in national development policies and plans.

Participants reviewed the chapters of the profile and provided recommendations for future follow-up work and publication plan.

This report provides a summary of the workshop discussions and proceedings and can be a useful reference for producers and users of decent work statistics. I hope that the continuation of such initiatives to enhance the collection, analysis and monitoring of Decent Work Indicators will contribute to better policies and programmes to realize decent work in Cambodia.

Jiyuan Wang
Director
ILO Country Office for Thailand, Cambodia and the Lao People’s Democratic Republic
Contents

Foreword ........................................................................................................................................... i

Contents......................................................................................................................................... iii

Introduction .................................................................................................................................... 5

1. Welcome and opening session .................................................................................................. 6
   1.1. Welcome address by the ILO representative ................................................................... 6
   1.2. Opening remarks by the Employers’ Representative .................................................. 7
   1.3. Opening remarks by the Workers’ Representative ....................................................... 7
   1.4. Opening remarks by the Representative of the Ministry of Labour and Vocational
       Training ............................................................................................................................. 8

2. Session 1: Overview: The Role of Decent Work in National Development Planning and
   Measurement .......................................................................................................................... 8
   2.1. Monitoring of National Development Related to Decent Work in Cambodia ............. 8
   2.2. Labour Market Information in Cambodia: latest developments and links to DWIs ...... 9
   2.3. Measuring Decent Work Using Administrative Data .................................................. 9

3. Session 2: Introducing the Cambodia Decent Work Country Profile: methodology,
   challenges and key findings ...................................................................................................... 10
   3.1. Background and Process of Developing the Decent Work Country Profile ............... 11
   3.2. Methodology for Developing the Decent Work Country Profile: data collection and
       compilation ....................................................................................................................... 11
   3.3. The Decent Work Country Profile: Main Findings and Priority Challenges ............ 12
   3.4. Cambodia’s Legal Framework for Decent Work: current situation and major
       challenges .......................................................................................................................... 14

4. Parallel working groups to review, revise and comments on chapters of the Cambodia
   Profile ...................................................................................................................................... 15
   Working group findings ........................................................................................................... 15

5. Wrapping up: Main Findings, Recommendations and Ways Forward .................................. 21

6. Closing session .......................................................................................................................... 23

Annex I. List of participants .......................................................................................................... 25

Annex II. Workshop programme .................................................................................................. 27
Introduction

The Tripartite Validation Workshop of the Cambodia Decent Work Country Profile took place in Phnom Penh, Cambodia from 1 to 2 March 2012 and was co-organized by the Ministry of Labour and Vocational Training (MOLVT) and the ILO. The workshop was prepared in line with the ILO Declaration on Social Justice for a Fair Globalization (2008), which recommends the establishment of appropriate indicators or statistics -if necessary with assistance from the ILO- to monitor the progress made in the implementation of the ILO Decent Work Agenda.

The Decent Work Country Profile for Cambodia is aimed at providing information on all the elements of decent work in the country, analysing statistical and legal indicators within the framework of national labour and social policies, tentatively over the past ten years (depending on data availability). The purpose of the document is to give baseline information on the state of decent work in Cambodia, the progress made in decent work, and highlight the gaps that still remain, in both decent work and its measurement. It is also intended as an advocacy tool for mainstreaming decent work into national policies and development plans, including the National Strategic Development Plan and the Decent Work Country Programme.

The workshop aims to facilitate technical discussion among the tripartite constituents on:

- The content of each chapter, referring to the statistical indicators, the legal framework information and the analytical text;
- Strengths and possible uses of the Profile, e.g. as baseline information to inform development policies and programmes, an advocacy tool to mainstream DW (decent work) into national planning, etc.;
- The policy implications of the Profile, e.g. how the Profile can help national constituents to better define decent work country priorities and advocate for appropriate policies? How can the Profile aid the design, implementation, and monitoring of national development plans and programmes?
- The way forward, e.g. how often the Profile should be updated and in what form; how can data collection for DWIs (Decent Work Indicators) be sustained as part of the national statistical programme (to ensure regular monitoring of decent work); what could be done differently for future updates (data collection and analysis)?

The expected outputs and outcomes of the workshop are:

- Detailed comments made by the tripartite constituents on the statistical data, legal framework information and the analytical text of the Profile;
- Validation of the profile by tripartite constituents;
- Recommendations for future policymaking to address decent work deficits, and recommendations on how the profile can be used to support the design, implementation and monitoring of the Rectangular Strategy / National Strategic Development Plan, and Decent Work Country Programme

Consensus among constituents on how the Profile should be disseminated and used (launch event to be organized later);

Consensus on the way forward for future updates of the Profile (form and regularity, new indicators, etc.);

This workshop report includes all comments and revisions provided by national partners during the validation workshop. The comments have been incorporated into the final revised version of the profile before publication and in the perspective of the official launch and publicity campaign. This workshop report contains additional suggestions and recommendations that arise from the event which may not be appropriate currently, but may be considered for future versions of the Profile.

The Workshop was organised in the following format:

- The workshop began with an introductory presentation on the concept and the measurement framework of decent work, as well as an overview of the role of the Decent Work Country Profile.

- The Decent Work Country Profile was presented by ILO specialists and national partners from the National Institute of Statistics, beginning with an explanation of its development; a presentation of its key findings, and an overview of the legal framework for decent work in Cambodia.

- Two working group sessions were then organised, in which participants were divided into representative groups (i.e. tripartite in nature) to review and revise the individual chapters of the profile, one by one. Four groups simultaneously reviewed the chapters, before reporting their findings to the plenary and submitting their written recommendations/revisions to the workshop reporter.

Each group had at least one representative of the trade unions, employers’ organization and the government, and statistical officers One member of each group reported the main comments and outcome of their discussion to the plenary session, as indicated in the workshop programme (Annex 2).

1. **Welcome and opening session**

   Moderator: Mr Hoeung Sophon, Director of Labour Market Information Department, Ministry of Labour and Vocational Training

1.1. **Welcome address by the ILO representative**

   Mr Jiyuan Wang, Country Director, International Labour Organisation Office for Thailand, Cambodia and Lao

   Mr Jiyuan first explained the definition of decent work, that is, work that is productive, remunerative, and undertaken in conditions of freedom, equity and dignity, before pointing to the growing regional and global recognition of the four key pillars of the decent work agenda (job creation, rights at work, social protection and social dialogue) as key to both the fulfilment society’s needs and aspirations and the process of national planning for inclusive and sustainable growth.

   Mr Wang then briefed the participants on the EU supported project on Monitoring and Assessing Progress toward Decent Work (MAP), which was developed in response to the
2008 Declaration on Social Justice for a Fair Globalization, which called for efforts to strengthen decent work data collection and analysis at the national level—to enable countries to self-monitor and self-assess progress toward decent work. As one of 9 countries globally to participate in the MAP project, Mr Wang noted that ILO is assisting Cambodia in developing its capacities for DWI identification, data collection and storage, and policy oriented analysis for decent work and national development.

Mr Wang then drew attention to the Decent Work Country Profile for Cambodia, which has been prepared using statistical and legal indicators identified by the Cambodian constituents in May 2011, with the help of the NIS, MOLVT and ILO social partners. He noted that although not comprehensive at this stage, the profile provided an important baseline assessment of decent work in Cambodia, the progress made over the last decade and the deficits still outstanding. In concluding, he encouraged the workshop participants to review the content and work together to agree on how the profile can be improved, finalized and utilized in the interest of Cambodia.

1.2. Opening remarks by the Employers’ Representative

Mr Senaka Fernando, Vice President and Treasurer of the Cambodian Federation of Employers and Business Associations (CAMFEBA)

Mr Fernando began by expressing his pleasure and honour to speak in both previous and this workshop and highlighted strong cooperation and commitment among the government, employers, trade unions and the ILO for the Decent Work Agenda in Cambodia. He mentioned that decent work was considered a priority and a strategy to achieve sustainable development. He however emphasized that while decent work was key to building fair, equitable and inclusive societies, due importance should also be placed on labour productivity.

Mr Fernando explained the aim of the workshop, which was to provide information on all elements of decent work in the country by analyzing the movement of statistical and legal indicators over the past ten years or so. The information, he agreed, was a useful baseline on the state of decent work, and a guide to future policy formulation based on the identified gaps in the decent work landscape. He then drew attention to the significance of the participants’ inputs and discussion in the workshop to the finalization of the profile. Finally, he voiced his appreciation to the MOLVT for wise leadership in the implementation of the Decent Work Programme in Cambodia, and to the ILO for their technical and financial support to the decent work agenda in the country.

1.3. Opening remarks by the Workers’ Representative

Dr Vong Sovann, President of the Cambodia Confederation of Trade Unions (CCTU) and Representative of the Cambodian Trade Unions

Dr Vong Sovann expressed his honour to be invited to attend the workshop. He took the opportunity to give his observations on several key aspects of decent work in Cambodia: workers’ rights; social dialogue; wages; and social protection. On the issue of rights, he noted recent developments to the legal framework for the protection of workers’ rights. On social dialogue, he reflected on institutional developments that have encouraged bipartite and tripartite consultation and harmonious dispute resolution. On wages, he stressed the importance of effective wage setting mechanisms and the need to ensure workers are paid fairly and according to their contribution. Finally, on social protection,
he noted that unions have been actively participating in the tripartite committee on the social security fund.

1.4. Opening remarks by the Representative of the Ministry of Labour and Vocational Training

H.E Mam Vannak, Secretary of State, Ministry of Labour and Vocational Training

After welcoming the participants to the workshop, H.E Mr. Vannak reminded the participants of the government’s commitment to create harmony in the world of work and poverty reduction through decent work. Cambodia needed a tool and proper indicators to measure and evaluate progress in decent work, and this decent work country profile is an important start point in this regard.

H.E Mr Vannak noted that the current draft Profile had been prepared in cooperation with the ILO based on indicators identified and agreed upon by tripartite constituents in 2011. The profile, he agreed, gave a broad insight into the state of decent work across all aspects of the decent work agenda, in both statistical and legal areas, and was instructive too for future policymaking in the labour and social fields.

He then advised the participants to participate fully in the review, revision, and discussion process, so that the individual chapters could be improved and the profile validated for future official use. The participants may consider adding other indicators too, the State Secretary added.

Finally, before officially opening the tripartite workshop, H.E Mr Vannak thanked the participants for their attendance in the workshop and the ILO for their financial and technical support to this work.

2. Session 1: Overview: The Role of Decent Work in National Development Planning and Measurement

The session provides an overview of the framework for monitoring national development plans, particularly the National Strategic Development Plan (NSDP) and the Cambodia Millennium Development Goals (CMDG), and looks at the role of decent work in these contexts. It also examines the Decent Work Country Programme (DWCP) and the importance of having decent work indicators –both statistical and legal- to assess the effectiveness of its implementation.

2.1. Monitoring of National Development Related to Decent Work in Cambodia

Presenter: Mr Ing Sokun, Deputy Director of Planning and Social Affairs Department, General Directorate of Planning, Ministry of Planning

Mr Sokun first noted the Ministry of Planning’s responsibility for the development and the monitoring and evaluation of the NSDP, and pointed to the current inclusion of several key decent work indicators (female share of wage employment, distribution of employment by sector, workers employed abroad, wages of unskilled workers) in the current NSDP, as well as the incorporation of DW concerns in the Rectangular Strategy Phase II (which targets job creation and improved working conditions specifically). He noted that as part
of the monitoring and evaluation (M&E) framework for the NSDP, decent work indicators could play an increasing role in the future.

Mr Sokun also highlighted constraints in the current M&E set-up, which mainly stem from weak human resource capacity (limited training, and the tendency for remaining M&E staff to be promoted to non-M&E positions in government) and insufficient financial resources to execute effective M&E. Institutional limitations also posed a problem, particularly the lack of a standard for M&E design and implementation, and the absence of dedicated M&E units and professionals in many ministries.

In concluding, Mr Sokun recommended efforts to expand and professionalize the existing monitoring system, strengthen internal cooperation between units and establish monitoring and evaluation units within all ministries.

Following the presentation, a union representative asked whether the Ministry of Planning has a data on types of work by sector and which sectors have been included in the national development plans and strategies. In reply, Mr Sokun indicated the extent of availability of this data.

2.2. Labour Market Information in Cambodia: latest developments and links to DWIs

Presenter: Mr Taing Heangtharith, National Employment Agency (NEA)

Mr Heangtharith began with an overview of the legal background to the establishment of the NEA, and its twofold objective of providing employment services and developing Cambodia’s labour market information (LMI) system – the latter of which is currently receiving ADB support (two in-house consultants are sitting with NEA).

He then explained the flow of information in the system, the data sources they use for LMI collection, the database they use, and the process by which they analyse data for policy development and service delivery. Finally, he presented the NEA’s view of the key challenges in the development of the LMI system in Cambodia, namely, the lack of available data for certain themes and issues, the inconsistency of certain data sources (censuses, labour force survey, socio-economic survey), and human resource and budget limitations.

2.3. Measuring Decent Work Using Administrative Data

Presenter: Mr Hoeung Sophon, Director of Labour Market Information Department, Ministry of Labour and Vocational Training

Mr Sophon began by presenting the background to the MoLVT and its twofold concerns of labour and vocational training. He then illustrated recent labour market developments using data on the labour force, employment and unemployment rate, employment by sector, number of companies and workers, vocational training outcomes, and the minimum wage (garment sector only). Mr Sophon also addressed issues of rights at work by presenting articles in the labour law related to discrimination, freedom and rights of workers and employers’ organizations, collective bargaining and child labour.

Mr Sophon also reflected on recent developments in social dialogue, which include the establishment of an effective dispute resolution system, increased prevalence of collective bargaining and resulting agreements, the growing stature and professionalism of
employers’ and workers’ organizations, and the general shift from conflictual to more harmonious and peaceful means of dispute resolution (reflected in the falling number of strikes in recent years). The ILO’s BFC programme, he noted, has helped bring down strikes and promote industrial harmony, as too has the growth of Most Representative Status (MRS) registration for unions, and shortly, the new trade union law. In supporting these presentations, he showed official statistics mainly from the MOLVT’s administrative records. Turning to the issue of social protection, Mr Sophon then gave an overview of recent developments and the legal framework for such, as well as the types of protection schemes that have been established in recent years under the supervision of the MoLVT and the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSAVY).

He continued with presentation on status of child labour, providing background on the national action plan against worst forms of child labour, as well as the legal protections and mechanisms established for the prevention and elimination of child labour. Some statistics in this area were also provided.

Finally, he highlighted some of the challenges in the aforementioned areas. These included a lack of data and information for identified indicators, unregistered small scale companies, decent work deficits the informal sector, limited social dialogue, workplace rights violations in some sectors, the continued existence of child labour, the lack of a formal coordinating body for decent work issues, and the still minimal inclusion of decent work issues in national and ministerial planning. To address these concerns, Mr Sophon made the following general recommendations:

1. A decent work steering committee must be established
2. Decent work must be better mainstreamed into national and ministerial plans (would be helped by the steering committee and better advocacy)
3. Efforts to consistently collect and record decent work data need to be stepped up
4. Government officials require further training on decent work concepts, the collection of decent work data and the development of decent work indicators
5. Ministries and other government agencies require technical support to improve their capacity to monitor and evaluate the progress of decent work
6. The quality, coverage and scope of social protection needs to be expanded

3. Session 2: Introducing the Cambodia Decent Work Country Profile: methodology, challenges and key findings

The session introduces the draft Decent Work Country Profile for Cambodia, including a recap and overview of how it was developed and where it fits into the overall MAP project objective. The session also illustrates the methodology used to collect and compile the included decent work data, and also reflects upon some of the successes and challenges faced along the way. A chapter by chapter overview of the findings together with a summary assessment of progress made toward Decent Work is also given.
3.1. Background and Process of Developing the Decent Work Country Profile

*Presenter: Mr Phu Huynh, Regional Labour Economist, ILO Bangkok*

Mr Huynh first gave the background of decent work measurement which stem from 2008 ILO Declaration on Social Justice for a Fair Globalization and basic principles of ILO Governing Body, which both recommended stronger efforts to measure the (progress of) various components of decent work. He then presented the objectives of the decent work country profile, which is intended as a baseline assessment of progress in 10 substantive elements of decent work, and is based on official statistical surveys and administrative records.

Mr Huynh then presented the process undertaken in Cambodia under the MAP project, that led to the development of a draft decent work profile, namely the tripartite training and consultation workshop on measuring decent work in Cambodia conducted on 4-6 May 2011. This workshop identified a set of mutually accepted decent work indicators for Cambodia, as well as highlighting the current data gaps (flagged for further support through the MAP project, particularly in the re-design of household surveys like the LFS), and an indication of the types of additional assistance required by constituents (training and capacity building on data collection and analysis). To conclude, Mr Huynh gave an overview of key MAP activities, both in the recent past and currently, and outlined the tentative plan for the finalization of the profile and additional MAP activities in 2012.

3.2. Methodology for Developing the Decent Work Country Profile: data collection and compilation

*Presenter: Mr Heang Kanol, Deputy Director General, NIS*

Mr Kanol first reviewed the definition, elements and coverage of decent work. He then listed the data sources for decent work measurement in Cambodia (labour force and child labour survey, population census, inter-censal population survey, socio-economic survey, demographic and health survey and finally administrative records from various ministries and social partners). One by one, he presented the agreed decent work indicators (DWIs) included in the profile, their definition and application, and source data.

Mr Kanol then went on to outline the key challenges for the data collection and compilation, namely a lack of finance for data collection (especially key exercises like the labour force survey, which is expensive), a lack of coordination between government ministries responsible for data collection, and a lack of comparability between statistics from different ministries and different editions of the same survey (this stems, he argued, from the lack of a nationally agreed set of concepts and definitions for certain statistics).

In concluding, Mr Kanol noted the need for external technical and financial support to survey design, implementation and analysis, as well as capacity building for government officials (particularly the NIS and MoLVT) for DWI computation and tabulation and the improvement of administrative records.
3.3. The Decent Work Country Profile: Main Findings and Priority Challenges

*Presenter: Mr David Williams, Regional Coordinator, ILO/EC MAP, ILO Bangkok*

Mr Williams provided a summary of findings in each chapter of the decent work country profile, in order to set the stage for the upcoming group discussions (in which participants reviewed and revised the profile).

*Chapter 1: Economic and social context for decent work*

Mr Williams reflected on Cambodia’s recent rapid economic growth and development, but noted that by comparison, employment growth and poverty reduction have proceeded more sluggishly. On education, he noted key strides at the primary level (increased primary school enrolment and literacy in particular), but noted the need for further efforts at secondary level. Mr Williams also noted that Cambodia has drastically reduced HIV prevalence rates, but that “hot spots” still remain among certain groups.

*Chapter 2: Employment opportunities*

Mr Williams highlighted Cambodia’s rising labour force participation rate and employment growth as signs of recent progress. However, on the other hand there was little indication that employment quality had improved much in recent years (vulnerable employment remains high), and the picture with regard to gender was still mixed (women make up the bulk of the uneducated unemployed, while men comprise the largest share of the jobless with a secondary education).

*Chapter 3: Adequate earnings and productive work*

Progress in the area of adequate earning appears to have been modest. Despite rising real wages and no deterioration of the low pay rate (workers who earn less than two-thirds of the median wage), persistent gender and urban and rural inequality remain.

*Chapter 4: Decent work*

Progress on decent hours has been poor, with rising shares of workers in excessive hours, and indications that for a growing number of the employed, primary jobs are providing insufficient income.

*Chapter 5: Combining work, family and personal life*

Mr Williams noted the absence of good data to describe the situation vis-à-vis the nexus between work, family and personal life, meaning an assessment of recent progress is difficult to make. Trends in working hours provide some indications (since working hours are linked to a person’s ability to achieve a health work-life balance), and in this regard the signs are not good (primarily due to the growing shares of workers in “excessive” hours). The legal framework, however, has improved in recent years.

*Chapter 6: Work that should be abolished*

Mr Williams noted the absence of data on forced labour, meaning the focus of this chapter is on child labour only. In this regard, recent progress appears to have been poor, with a high and rising rate of child labour across all categories of work in recent years—including in the most hazardous forms. The legal framework is still confusing regarding school completion and entry to employment age. Child labour is lowest at primary school age, which reflects recent gains in primary enrolment and completion.
Chapter 7: Stability and security of work

Regarding stability and security at work, Mr Williams noted steady progress, but with deficits and challenges remaining. There is declining share in vulnerable employment and non-wage employment in non-agricultural sector, however vulnerable employment remains widespread and in some sectors, stability and security at work is being threatened by the growing use of short term contracts.

Chapter 8: Equal opportunity and treatment in employment

The situation regarding equal opportunity and treatment in employment is one of mixed progress. While a rising female share in employment has observed in recent years, occupational segregation by gender remains high, as is the gender wage gap—which is also increasing. Meanwhile, the situation vis-à-vis disabled workers remains unclear due to data gaps.

Chapter 9: Safe work environment

There is limited data to assess progress in the area of safe work, but of the data that is available, progress appears to have been limited. There has been greater policy attention to safe work in recent years and this has been accompanied with rising numbers of labour inspectors, there remain too few (inspectors), and occupational injuries have more than doubled since 2008.

Chapter 10: Social security

Despite recent progress to the legal and policy context for improved social security (particularly, the launching of the National Social Protection Strategy in 2011), both coverage and quality of existing schemes remains poor, meaning many Cambodians go without any form of support. Rising state spending on healthcare as a proportion of total healthcare spending is a positive sign (because it means households are spending less from their own pockets), while the growth of community based health insurance and health equity funds have extended the reach of healthcare to remote and vulnerable groups. However, it will be some years yet before full coverage will be achieved.

Chapter 11: Social dialogue, workers’ and employers’ representation

Representation among employers and workers has risen in recent years, and this has been accompanied with a general downward trend in industrial action in the latter half of the last decade (which suggests a maturing industrial relations landscape). However, the fact that records only cover unions based in Phnom Penh, and the fact not all registered unions are active, means that a full picture and assessment of progress in this area is not possible. Collective bargaining remains limited and the quality of CBAs are impossible to determine from current records. Although strikes are in decline, they appear to be costing more in terms of days lost.
3.4. Cambodia’s Legal Framework for Decent Work: current situation and major challenges

Presenter: Mr Tim De Meyer, Senior Specialist on International Labour Standards and Labour Law, ILO Bangkok

Mr de Meyer started by stressing the importance of the legal framework for promoting decent work in a market economy. He then listed the main legal instruments that govern the labour market in Cambodia: namely, the labour law, the law on social security and the two forthcoming laws on trade unions and cooperatives.

Mr De Meyer noted that to date, attempts at labour law reform in Cambodia have tended to be reactive rather than proactive – i.e. they have responded to specific challenges or conflicts, rather than a dynamic need to adapt to the changing labour market realities of an industrializing country. Recent attempts have resulted in reduced compensation for night work, engagement of the government and social partners in the drafting of the trade union law and on-going discussions regarding labour contract provisions.

Looking forward, Mr De Meyer identified four sets of challenges, identified as follows:

1. Perceptions of trading partners and investors – e.g. impunity for assaults on workers and union leaders. Currently, this situation can be viewed as “under control”, but it remains volatile and a potential risk to investment;

2. International labour standards -fundamental conventions ratified, but governance standards neglected

3. Internal needs -there is a great need for a legal framework for minimum wage fixing, occupational safety and health;

4. External environment -neighbouring countries are becoming more proactive in labour law reform, Cambodia may be left behind even the least developed ones.
4. **Parallel working groups to review, revise and comments on chapters of the Cambodia Profile**

*Moderator: Mr Hoeung Sophon, Director of Labour Market Information Department, MOLVT*

Following the morning session, participants were then divided into four working groups for reviewing the individual chapters of the profile. Groups were tripartite in structure, and contained either an NIS or ILO resource person to help clarify technical questions and stimulate discussion. Each group nominated one team leader, one reporter and one presenter. They were then asked to review, revise and comment on their allocated chapters and report back to the plenary. Some guiding questions were provided to the groups to facilitate their technical discussions:

1. Is there anything that is factually incorrect with the Profile chapter?
2. Are the interpretations of DWI trends and developments correct in your view?
3. What data or analysis is missing and should be added to the Profile chapter (including additional indicators)?
4. What recommendations should be made (policy or process)?

**Working group findings**

*Chapter 1: Economic and social context for decent work*

**Group comments:**

- The group finds the data and analysis appropriate and correct. The group has thus got nothing to add to the chapter.

- Review of Khmer text should be done on Page 32 in the Khmer version on inequality between the rich and the poor, since this is not easily understood. The Khmer translation of the transition from the central planning to market economy on Page 10 should be corrected.

*Chapter 2: Employment opportunities*

**Group comments:**

- The analysis was well done. The team agreed with the indicators and results of the analysis included in the chapter. However, the team would like the authors to consider the inclusion of indicators relating to job creation through existing public works programmes, available from the Ministry of Rural Development (which the team will share these resource materials with the authors). Under the recently launched social protection strategy, a number of public works programmes are underway, and these should be included in the profile because of their role in providing rural jobs in particular.

- The translation for NEA is incorrect in Khmer and should be corrected, as should the reference to the need to “work for survival”, which in Khmer sounds inappropriate.
The team understands that the editing of the Khmer translation is under way but raises these issues in case the editing does not capture them.

- The authors should indicate in the report the connection or basis of this report to particular versions of the National Strategic Development Plan or Rectangular Strategy.

Discussion:

- The working group was invited to provide a quick overview of the mentioned programs which should be mentioned in the chapter. After the presentation, the ILO resource persons mentioned that while inclusion of jobs or workdays created through public works programmes would certainly be a useful addition to the profile, such data may not be consistently and reliably available just yet. The group is nevertheless requested to share the data sources with the authors for consideration.

- The ILO representative also noted that the current DWCP for Cambodia already includes indicators and targets referring to the number of workdays created through PWP (not the number of jobs generated); this is already mentioned in the social security chapter (Chapter 10).

- A resource person from NIS noted that we should be careful in the inclusion of other indicators. Whilst it may be good to include additional indicators (it may refine/improve our understanding of the decent work situation in Cambodia), several key considerations and necessary before proceeding. First, we should define and name the indicators properly. Second, we should have a clear purpose for including the indicator (i.e. what does it show us and why is this important?). Third, we should have a formula for its calculation or analysis. Fourth, we must ensure that the data for the indicator is regularly available. And finally, we need to think about the credibility and reliability of the data source.

- The workshop facilitator noted that Mr Williams and Veasna from the ILO will address the comments from the group to the extent possible in the revised profile. NIS’s representative’s concerns are well agreed with by the Ministry of Labour.

Chapter 3: Adequate earnings and productive work

Group comments:

- The group read the chapter with appreciation. One translation error was spotted in the second sentence in the real wage discussion when the translator confused men with women.

- The chapter would look better if the authors include another indicator on work productivity. It’s important to know how productive the workers are in their work.

Discussion:

- ILO resource person noted that labour productivity is already included in the report, in Table 1.8. He agreed that this should be cross-referenced from chapter 3 to guide the reader.
Chapter 4: Decent hours

Group comments:

- The group agrees with data, analysis and results of the chapter reviewed by the group. The content of the chapter looks great and broad.

- There are a lot of problems in the entertainment sector in the country, much of which is informal. Issues relating to working hours and low wages among these workers should assume greater prevalence in the discussion of this chapter. There have been some small studies by some NGOs into this sector which could be used to support the existing data in this chapter.

- Although more directly related to “adequate earnings” than “decent hours,” discussants also raised their concerns about the July 2007 amendment of article 139 and 144 of Labour Law, which reduced the rate for night-shift workers from 200% to 130% of their regular rate.

Discussion:

- The facilitator from the Ministry of labour responded that the night work provision in the labour law has already been amended and any further amendments would need to go through the National Assembly. As for the overtime, enterprises are required by law to submit a request to the Inspection Department of the Ministry of Labour before initiating overtime in their workplace. According to the labour law, only 2 hours of overtime is allowed per day (designed to protect workers from overwork). On the issue of using additional non-official data, the facilitator noted that whilst organisations are entirely welcome to collect data and analyses, only official data and administrative records are sufficiently credible for inclusion in the DW country profile.

- After thanking the group for their comments, the MoLVT representative noted availability of data is key to the inclusion of additional indicators. Normally, it is desirable to have disaggregated data for each indicator (where possible). Meanwhile, for now, we are only prepared to use officially recognized data for the Profile document.

- A union representative from the group mentioned that while official data is an important basis for the assessment of decent work, any discussion on this topic will be incomplete if we are not able to critically assess or verify official data with reputable additional sources of information. Official data may not always tell the full story.

- In response to a comment by a group member on the hardships facing female beer promoters, the MoLVT representative indicated his agreement on importance of this issue, and noted also his position as vice chair of a ministerial committee working on this subject. Promoting employment contracts for these workers, as well as raising their knowledge of the labour law was important, he added. However, most importantly, they need to be able to form unions.
Chapter 5: Combining work, family and personal life

Group comments:

- Additional legal instruments are required to further advance gender equality in Cambodia women equality, for example to prevent discrimination in employment for pregnant women and to provide full pay, not half like now, to women during their 3 month maternity leave (this is a major inconsistency between the current labour law and the Cambodian constitution).

Discussion:

- The MoLVT moderator noted that much progress has been made in recent years to enshrine gender equality principles in Cambodian law, and that further amendments to any existing laws must proceed through the appropriate channels and be ultimately approved by the National Assembly.

Chapter 6: Work to be abolished

Group comments:

- The group finds the chapter very informative and analytical. The only comment the group has is to change the translation of the conventions, for example, Conventions 182 and 109 to be the same as the ones used by the MoLVT.

- The group has no suggested additions to the chapter.

Chapter 7: Stability and security of work

Group comments:

- Procedures to enter a work contract should be included in the profile as it is important for readers to understand this process, together with the value of having the work contract (which many workers do not have, especially in the informal economy).

- On precarious work, the chapter should indicate types of work considered this category of work. For example, beer promotion, entertainment service, migration for work should fall in this category.

Discussion:

- The ILO representative also noted that precarious work does not refer to the hazards or dangers of a particular job, but instead to contractual status of employment. Precarious work, which is discussed in chapter 6, refers to jobs that are casual, seasonal, temporary or short term, where workers have no expectation of continued employment. The confusion is the result of the Khmer translation, which appears to equate hazardous with precariousness (when in fact the two terms are quite different). This will be corrected in the final version of the profile.
Chapter 8: Equal opportunity and treatment in employment

Group comments:

- The group agrees with what is written in the chapter.
- The group suggests including discussion on parental leave in this chapter. It is true that women have maternity leave, but the law does not currently provide for men’s paternity leave in the instance of their wife giving birth. Such provisions should be made in the labour law clearly.
- This chapter should address three problems related to employment in our country. First, boys are often given greater priority and more opportunities to study by their parents than girls. This creates gender imbalances, since men in these circumstances become more educated and thus have greater employment opportunities. Second is the role of social traditions that prevent girls from going out to search for jobs independently. This practice can trap them in a geographical area (where job opportunities may be scarce) and reduce their opportunities for obtaining productive and remunerative work. Third, employers in some industries still prefer to hire men to women (the exception of course being the garment sector). All of these are real problems with regard to equal opportunities and treatment in employment in Cambodia, and thus should be included in the decent work country profile.

Discussion:

- The ILO representative noted that paternity leave is mentioned in Chapter 5, and should be cross referenced in this chapter. The note on the three main challenges vis-à-vis equal opportunity and treatment in employment shall be incorporated into this chapter.

Chapter 9: Safe work environment

Group comments:

- The number and nature of job losses should be reflected in the chapter.
- Mass fainting is a highly prevalent issue and relevant to this chapter. While the causes of the fainting have not been fully determined (investigations are ongoing), inspection capacity remains an important means by which workplaces can be assessed for conditions liable to endanger workers’ health. As the causes of such fainting incidents become clearer, the ILO may be encouraged to work with the MoLVT and through its existing programmes to strengthen the capacity of labour inspectors to identify dangers and prevent such incidents.

Discussion:

- The MoLVT representative provided his observation that inspection is a demanding job. The government has set up a committee to study the mass fainting, and this committee will act with honesty and integrity to shed further light on the issue. The number of job losses, meanwhile, is already included in the profile.
- The representative from CARD noted the importance of occupational health and safety, and drew on his experience in providing health service to garment workers to describe how employers’ commitment to this aim can vary widely (some care a lot about OSH, while others care little). For those employers that care little for OSH, it is
commonplace for them to prepare their factories prior to inspection visits (from the government or from the Better Factories Cambodia programme).

- Working conditions, meanwhile, are also affected by buyer behaviour and the pressure they place on firms to fulfil orders. Once employers are overloaded, they may force workers to work overtime, thus leading to health problems like fainting. Instances of tuberculosis have also been found among garment workers, and this is something that may be considered for inclusion in future versions of the Profile (partial data is available from the National Center for Tuberculosis and Leprosy Control).

**Chapter 10: Social security**

**Group comments:**

- The group does not have much experience in this social security field, but based on their reading, the chapter looks comprehensive in both legal and practical areas.

- The authors may consider elaborating further in the chapter issues of sick leave and the pension scheme for civil servants.

**Chapter 11: Social dialogue, workers and employers’ representation**

**Group comments:**

- The group fully supports the content of this chapter although in some parts there are difficulties in interpreting and understanding the data.

- The chapter should contain a section describing the characteristics of genuine unions, namely the mandate to represent and serve their members, and participate in national policy development on behalf of their interests.

- The group contends that data on active unions, omitted from this Profile due to data deficits, can in fact be generated from the MoLVT’s administrative records; specifically, from the number of unions that apply for renewal of official registration (of their union) with the MoLVT. Those that do not apply for renewal are thus either operating outside the law or no-longer active.

- The Profile (in Khmer) mentions the number of strikes and lock-outs have decreased due to “good control,” the meaning of which is unclear. A more likely reason is due to improved industrial relations resulting from better trust between actors, increased capacity of the actors, and generally greater awareness of how to promote industrial harmony.

- The upcoming law on trade unions should be discussed further in the chapter. The law was drafted predominantly by the MoLVT and employers, and now awaits approval by the Council of Ministers. This process is unsatisfactory in the opinion of unions.

- Beer promoters should have the right to form unions and this is a matter of urgency.

- The number of unions is high, but the unions are still interfered with by other parties. This problem should be reflected to a larger degree in this chapter.

**Discussion:**
A representative from the MoLVT noted that legal developments vis-à-vis the trade union law have been undertaken through tripartite mechanisms, meaning all the three parties are involved. More than this, the draft has also been shared with ILO for their comments and advice. Approval of the law is now in the hands of the Council of Ministers.

The ILO resource person thanked the group for their comments and noted however that in the English version of the draft, the falling number of strikes and lock-outs was attributable not to better “control”, but to the maturing of the industrial relations environment. This will of course be clarified if necessary, as too will the point about the social responsibility of unions. With regard to the data on union registration to determine “active” unions, this will need to be followed up with the MoLVT and if possible, will be recommended for future measurement (in later profiles or the like).

It was also noted that the Profile is not the place for entering further into typically subjective debates about existing and upcoming legislation. The intention of the document is to present an objective picture of the facts, as per the recognized national data and legal documents, and identify areas of progress and gaps in the decent work landscape. It should be used in conjunction with other analyses of the country’s policy and legal environment.

5. Wrapping up: Main Findings, Recommendations and Ways Forward

The workshop moderator noted his appreciation for the efforts of the participants in the reviewing and recommending revisions to the profile. Through this, the participants have validated the profile successfully, and now look forward to seeing and using the final published version. The moderator also informed the participants that our ILO resource persons will be addressing the workshop comments and recommendations to the extent possible and realistic, before finalizing the draft for publication. The moderator then invited participants to have a final plenary discussion to determine the way forward for the profile, in terms of both its policy and programmatic uses.

The ILO resource person noted to the participants that in determining the future course of using our profile to the interest of all of us and others concerned parties, we may think and discuss among our participants using the following guide questions:

1. How can the profile be used for the monitoring of for national development plans (NSDP, to influence other social and economic policies, and in the M&E of the Decent Work Country Programme?

2. What additional data / indicators may be useful for better monitoring and assessing decent work?

3. How can the collection of DWIs be sustained?

4. How often should the profile be updated, and in what form?

5. Who should be involved and who should lead the process?

6. How can it be managed (government steering committee?)
The participants from various agencies gave their comments, suggestions and recommendations in response to all of the key questions raised.

- A participant from CARD noted that his organisation (a state agency responsible for agricultural and rural development policies, as well as lead coordinator of the national social protection strategy) could help publicize the profile through its website and extensive networks, both across government and among wider stakeholders. Utilising these networks would enable the profile to reach new audiences and help raise awareness of the concept of decent work in Cambodia.

- A representative from the MoLVT raised questions relating to the sheer time and effort required to produce this profile. Although the additional recommended indicators will be useful in helping to refine the measurement of decent work in years to come, it is important to note that all tripartite partners will need to work together to help sustain the production of these profiles—not just the government. While the MoLVT is the natural lead agency for this work, it is also important that a coordinating committee is established—something that is already underway in the form of the inter-ministerial Steering Committee.

- The representative said he was aware that the MoLVT had requested permission from the Council of Ministers to establish the inter-ministerial (and tripartite) Committee in 2012, as well as an accompanying decent work sub-committee responsible for monitoring the implementation of the DWCP, and potentially, the continuation of this profile.

- With regard to the regularity of future updates of the profile, the MoLVT mentioned that it was important to have a schedule for updating the profile like once every two years, but this obviously may put undue pressure on the responsible agencies which are already fully occupied with other responsibilities.

- A representative from the Ministry of Planning pointed out that decent work is crucial for the country and its people. It promotes human dignity and inclusive (rather than materialistic) development. Efforts to strengthen the collection of both macro and micro-level data (the latter being particularly important in terms of administrative records and sector level data) will be mutually supportive of one-another. Meanwhile, the inclusion of existing DWIs into national development planning structures is possible, and should be initiated by the relevant NSDP focal points, which are present in a number of ministries, including MoLVT. The MoLVT also has a focal point for the Ministry of Planning, so a meeting between these two would be a natural start point for discussions on the use of DWIs for the NSDP.

- However, the MoP representative added, in order to add more indicators, we need to consider—as earlier mentioned—the duration, frequency, availability and source of the required data, as well as its legitimacy. The decent work country profile is a useful resource and reference tool for national development planning and strategy developments. In our preparation for updating and monitoring the progress of the NSDP, we will take into account the contents of this profile.
6. Closing session

Mr Hoeung Sophon, Director of Labour Market Information Department, MoLVT and the workshop moderator provided a summary report of the two day workshop. The workshop was attended by 47 participants (33 from the government ministries and provincial departments of labour, 10 from trade unions and 4 from the employer organization).

The workshop began with an opening session where the government, ILO and representatives of the employers and workers’ organizations provided remarks on the topics in focus.

The participants were given an overview of the role of Decent Work in national development planning, its measurement, and an introduction to the Cambodia Decent Work Country Profile including the methodology of DW indicators development, key findings and challenges faced.

The workshop participants then critically reviewed all eleven chapters of the draft profile in four working groups. The groups through their reporters presented their results and recommendations for the plenary.

Participants provided their inputs for profile revision and validated the draft Decent Work Country Profile, as well as agreeing on the future plan for use of the profile. They agreed to participate in the future efforts to collect and analyse decent work data.

On behalf of the Labour Market Information Department, the moderator thanked the EU and ILO for their financial and technical support to this process on monitoring decent work in general and to the organization of this workshop in particular. The MoLVT’s also requested the ILO to provide further support to implement the decent work agenda, including training on data collection and analysis for better measurement of decent work.

David Williams (ILO) thanked H.E Mam Vannak, Secretary of State of the Ministry of Labour and Vocational Training for presiding over the closing session and all participants for their active participation and discussion over the past two days. The discussions were meaningful and informative. In the first day of the workshop, he recounted the presentations covering the background to decent work and the origins of the MAP project, including past, current and future work on decent work data collection and analysis. Since the second session of Day 1, participants have reviewed all the chapters of the draft profile, and provided comments and recommendations for the ILO’s further consideration. With inputs from the participants, the draft profile can now be improved and finalised, ahead of an official launch later in 2012.

ILO very much appreciates the commitment of the participants in reviewing and planning for further actions to finalize and make use of the profile. It has been of great value to organize this validation workshop.

Mr Sin Visal representing the trade unions expressed his pleasure that the trade unions were given the opportunity to take part in this validation workshop, which is a good example of social dialogue in action. “All of us always want to have decent work, not just in Cambodia, but across the world,” he added. To realize the four pillars of decent work in Cambodia, a lot of work is still required. This week’s workshop has provided us an opportunity to assess the extent to which Cambodia has advanced decent work, and the challenges that still remain.
“We hope that the results of the group discussions help to improve the final profile. We know that many workers still face challenges in Cambodia, especially those in the informal sector, for which we have little information, and on which we hope future profiles will shed more light. Finally, we would like to thank the organizers and we hope that we will continue working together in our tripartite mechanism in this area” Mr Visal noted.

H.E Mam Vannak, Secretary of State of Ministry of Labour, first thanked the participants for taking time to attend this workshop. He emphasized the government’s efforts to engage ILO and social partners in the country to develop a decent work country programme for Cambodia, as a means to promote labour market harmony and achieve poverty reduction. This profile, he added, would be a useful tool for monitoring the implementation and success of the programme, through its focus on all the core aspects of decent work and attention to both statistical trends and the legal framework. Through this workshop, the participants have gained further valuable knowledge about decent work, and have provided recommendations that will enhance the document’s usability as a measurement tool for decent work going forward.

The state secretary also advised the participants to continue their efforts to collect and analyse decent work data for the benefit of Cambodia. Finally, he thanked the ILO and EU for their technical and financial assistance to organise this event and called for further support from these partners to provide capacity building for the implementation of the decent work agenda in Cambodia.
### Annex I. List of participants

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Name in English</th>
<th>Position</th>
<th>Organization</th>
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<td>1</td>
<td>Mr.</td>
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### Annex II. Workshop programme

**Tripartite Validation Workshop of the Cambodia Decent Work Country Profile**

1-2 March 2012

Phnom Penh Hotel, Phnom Penh, Cambodia

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<td><strong>08.30-09.30</strong></td>
<td>Opening Session: Welcome and opening remarks (5-7 mins each)</td>
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<td>▪ Mr Jiyuan Wang, Director, CO-Bangkok / Representative of ILO</td>
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<td>▪ Mr Senaka Fernand, Vice President of the Cambodian Federation of Employers and Business Associations (CAMFEBE)</td>
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<td>▪ Dr. Vong Sovann, President of Cambodian Federation of Trade Unions (CCTU) and Representative of the Cambodian Trade Union</td>
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<td>▪ H.E. Mam Vannak, Secretary of State of Labour and Vocational Training/Representative of MoLVT</td>
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<td><strong>09.30-10.00</strong></td>
<td>Coffee/tea break</td>
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<tr>
<td><strong>10.00-11.45</strong></td>
<td>Session 1 - Overview: The Role of Decent Work in National Development Planning and Measurement</td>
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<td>Presentations</td>
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<td>▪ <strong>Monitoring of the National Development Plans Related to Decent Work in Cambodia</strong> [15 mins]</td>
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<td>▪ Mr Ing So Kun, Deputy Director of Planning and Social Affairs Department, General Directorate of Planning, Ministry of Planning</td>
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<td></td>
<td>▪ <strong>Labour Market Information in Cambodia: latest developments and links to DWIs</strong> [15 mins]</td>
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<td>▪ H.E. Dr. Hong Choeun, Director-General of the National Employment Agency</td>
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<td>▪ <strong>Measuring Decent Work Using Administrative Data</strong> [15 mins]</td>
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<td>▪ Mr Hoeung Sophon, Director of Labour Market Information Department, MoLVT</td>
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<td></td>
<td>Plenary discussion</td>
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<td><strong>11.45-13.00</strong></td>
<td>Lunch</td>
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<td><strong>13.00-14.45</strong></td>
<td>Session 2- Introducing the Cambodia Decent Work Country Profile: methodology, challenges, and key findings</td>
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<td>▪ <strong>Background and process of developing the Decent Work Country Profile</strong> [15mins]</td>
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<td>▪ Mr Phu Huynh, Regional Labour Economist, ILO Bangkok</td>
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<td>▪ <strong>Methodology for Developing the Decent Work Country Profile: data collection and compilation</strong> [15mins]</td>
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<td>▪ Mr Heang Kanol, Deputy Director, National Institute of Statistics (NIS)</td>
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<td></td>
<td>▪ <strong>The Decent Work Country Profile: Main Findings and Priority Challenges</strong> [20mins]</td>
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<td>▪ Mr David Williams, Regional Coordinator, ILO/EC MAP, ILO Bangkok</td>
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<td>▪ <strong>Cambodia’s Legal Framework for Decent Work: current situation and major challenges</strong> [15mins]</td>
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<td>▪ Mr Tim De Meyer, Senior Specialist on International Labour Standards and Labour Law, ILO Bangkok</td>
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<td>Plenary discussion (for Q&amp;A; initial reactions)</td>
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<td><strong>14.45-15.00</strong></td>
<td>Session 3: Explanation and organisation of parallel working group discussions</td>
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<td>▪ Mr Hoeung Sophon, Director of Labour Market Information Department, MoLVT</td>
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<td>15.00-15.30</td>
<td>Coffee/tea break</td>
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| 15.30-16.30  | Parallel working groups to review and revise chapters 1-4 of the Cambodia Profile (4 chapters; 1 chapter per group)  
- Economic and social context for decent work  
- Employment opportunities  
- Adequate earnings and productive work  
- Decent hours |
| 16.30-17.00  | Presentation of findings by the working groups in the plenary session (5mins per presentation) |

**Friday 2**nd** March**

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<th>Time</th>
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| 08.30-09.30  | Parallel working groups to review and revise chapters 5-8 of the Cambodia Profile (4 groups; 1 chapter per group)  
- Combining work, family and personal life  
- Work to be abolished  
- Stability and security of work  
- Equal opportunity and treatment in employment |
| 09.30-10.00  | Presentation of findings by the working groups in the plenary session (5mins per group) |
| 10.00-10.30  | Coffee/tea break                                                         |
| 10.30-11.30  | Parallel working groups to review and revise chapters 9-11 of the Cambodia Profile (3 chapters; 1 chapter per group, except for Ch11, which will be reviewed by 2 groups)  
- Safe work environment  
- Social Security  
- Social dialogue, workers’ and employers’ representation(2 groups) |
| 11.30-12.00  | Presentation of findings by the working groups in the plenary session (5mins per group) |
| 12.00-13.30  | Lunch                                                                    |
| 13.30-14.30  | Wrapping Up: Main findings, Recommendations and Ways Forward  
Moderator: Mr Hoeung Sophon, Director of Labour Market Information Department, MoLVT  
- How can the profile be used by constituents and policy-makers? (MoLVT)  
- Ways forward for strengthening DWI data collection and analysis (NIS, MOLVT)  
- Recommended links to the Decent Work Country Programme / main priorities towards DW, baseline and target indicators to monitor DWCP implementation(ILO)  
- Links to the Medium-Term Development Plan (MoP and MoEF)  
- Mechanisms and recommendations for sustaining the monitoring of decent work (MOLVT, NIS) and visions for future policymaking |
| 14.30-15.00  | Closing Remarks  
- Mr David Williams, Regional Coordinator, ILO/EC MAP, ILO Bangkok  
- Mr Senaka Fernand, Vice President of the Cambodian Federation of Employers and Business Associations (CAMFEBA)  
- Dr. Vong Sovann, President of Cambodian Federation of Trade Unions (CCTU) and Representative of the Cambodian Trade Union  
- H.E. Mam Vannak, Secretary of State of Labour and Vocational Training/Representative of MoLVT |